

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SECOND AMENDMENT ARMS (a d/b/a of)
R. Joseph Franzese), R. JOSEPH FRANZESE,)
individually and d/b/a SECOND AMENDMENT)
ARMS, and TONY KOLE,)

Plaintiffs,

V.

CITY OF CHICAGO, a municipal corporation,)
 RAHM EMANUEL, in his official capacity as)
 Mayor of the City of Chicago, GARRY)
 McCARTHY, Superintendent of Police of the City)
 of Chicago, and SUSANA MENDOZA, City Clerk)
 of the City of Chicago,)

Defendants.

Case No: 1:10-CV-4257

Hon. Robert M. Dow, Jr.
U.S. District Court Judge

Hon. Sheila M. Finnegan
U.S. Magistrate Judge

**MOTION FOR EXTENSION OF DISCOVERY SCHEDULE TO DISCLOSE
SUBSTITUTE DAMAGES EXPERT**

NOW COME the Plaintiffs, Second Amendment Arms (a d/b/a of R. Joseph Franzese), R. Joseph Franzese, individually and d/b/a Second Amendment Arms, and Tony Kole, by and through undersigned counsel, and move this Honorable Court to grant Plaintiffs an extension of time to the discovery schedule to disclose a substitute damages expert and submit his report. In support thereof, Plaintiffs state as follows:

1. This action alleges violations of the Plaintiffs' constitutional rights owing to certain of Defendants' past and present regulations regarding the sale of firearms and laser sights in Chicago.

2. The parties were to complete the deposition of Plaintiff's damages expert by November 21, 2018.

3. Upon a further review of said expert's submitted opinions in this matter, and upon a simultaneous breakdown in professional relations with Plaintiff's disclosed expert, Plaintiff has withdrawn said damages expert from providing opinions in this matter.

4. Plaintiff has retained an alternate damages expert, whom Plaintiff can disclose immediately, who can provide an expert report within 30 days of the granting of this Motion, and who can be available for deposition as soon as reasonably practicable.

5. Further, Plaintiff is, upon information and belief, aware that Defendant has expended resources regarding Plaintiff's previous expert. Plaintiff will offer to compensate Defendant for reasonable costs related to said work.

6. This Motion is not filed for dilatory purposes or for delay, but only so that Plaintiffs may fully present their arguments before the Court.

7. The electronic signature of counsel below shall serve as an F.R.Civ.P. 11 certification of the facts contained herein.

WHEREFORE, the Plaintiffs, Second Amendment Arms (a d/b/a of R. Joseph Franzese), R. Joseph Franzese, individually and d/b/a Second Amendment Arms, and Tony Kole, by and through undersigned counsel, request this Honorable Court grant them an extension of time until December 13, 2018 to disclose their substitute

damages expert disclosures report, as well as any and all further relief as this Court deems appropriate, including adjusting the remainder of the expert discovery schedule accordingly.

Respectfully submitted,

/s/ David G. Sigale
Attorney for Plaintiffs

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CERTIFICATE OF ATTORNEY AND NOTICE OF ELECTRONIC FILING

The undersigned certifies that:

1. On November 5, 2018, the foregoing document was electronically filed with the District Court Clerk *via* CM/ECF filing system;
2. Pursuant to F.R.Civ.P. 5, the undersigned certifies that, to his best information and belief, there are no non-CM/ECF participants in this matter.

/s/ David G. Sigale
Attorney for Plaintiffs

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